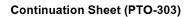
Advisory Action Before the Filing of an Appeal Brief

| Application No. | Applicant(s) | | |
|-----------------|-----------------|--|--|
| 10/523,544 | DAVIDSON, BRIAN | | |
| | | | |
| Examiner | Art Unit | | |

| | KWASI KARIKARI | 2617 | |
|--|---|--|---|
| The MAILING DATE of this communication appe | ars on the cover sheet with the | correspondence add | ress |
| THE REPLY FILED <u>21 September 2009</u> FAILS TO PLACE THIS | S APPLICATION IN CONDITION | FOR ALLOWANCE. | |
| 1. The reply was filed after a final rejection, but prior to or on application, applicant must timely file one of the following rapplication in condition for allowance; (2) a Notice of Appe for Continued Examination (RCE) in compliance with 37 C periods: | eplies: (1) an amendment, affida al (with appeal fee) in compliance | vit, or other evidence, v with 37 CFR 41.31; o | which places the r (3) a Request |
| a) The period for reply expiresmonths from the mailing | date of the final rejection. | | |
| b) The period for reply expires on: (1) the mailing date of this Ac no event, however, will the statutory period for reply expire la | ter than SIX MONTHS from the maili | ng date of the final rejection | on. |
| Examiner Note: If box 1 is checked, check either box (a) or (I MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f |). | | |
| Extensions of time may be obtained under 37 CFR 1.136(a). The date of have been filed is the date for purposes of determining the period of extra under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the siset forth in (b) above, if checked. Any reply received by the Office later may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL | ension and the corresponding amoun nortened statutory period for reply ori | t of the fee. The appropri ginally set in the final Offic | ate extension fee be action; or (2) as |
| 2. The Notice of Appeal was filed on A brief in compl | iance with 37 CFR 41.37 must be | e filed within two month | s of the date of |
| filing the Notice of Appeal (37 CFR 41.37(a)), or any exten Notice of Appeal has been filed, any reply must be filed wi AMENDMENTS | sion thereof (37 CFR 41.37(e)), t | o avoid dismissal of the | |
| 3. ☐ The proposed amendment(s) filed after a final rejection, b | ut prior to the date of filing a brie | f, will not be entered be | cause |
| (a) They raise new issues that would require further con | | | |
| (b) ☐ They raise the issue of new matter (see NOTE below | • | | |
| (c) ☐ They are not deemed to place the application in bett appeal; and/or | er form for appeal by materially re | educing or simplifying t | he issues for |
| (d) ☐ They present additional claims without canceling a c | orresponding number of finally re | jected claims. | |
| NOTE: (See 37 CFR 1.116 and 41.33(a)). | | | |
| 4. The amendments are not in compliance with 37 CFR 1.12 | | ompliant Amendment (| PTOL-324). |
| 5. Applicant's reply has overcome the following rejection(s):6. Newly proposed or amended claim(s) would be allowed. | | timely filed amendmen | nt canceling the |
| non-allowable claim(s). | | • | _ |
| 7. For purposes of appeal, the proposed amendment(s): a) [how the new or amended claims would be rejected is prov The status of the claim(s) is (or will be) as follows: | | rill be entered and an e | xplanation of |
| Claim(s) allowed: | | | |
| Claim(s) objected to: | | | |
| Claim(s) rejected: <u>40-53, 64, 69-72 and 74-81</u> . Claim(s) withdrawn from consideration: | | | |
| AFFIDAVIT OR OTHER EVIDENCE | | | |
| 8. The affidavit or other evidence filed after a final action, but | before or on the date of filing a N | lotice of Appeal will <u>no</u> | be entered |
| because applicant failed to provide a showing of good and was not earlier presented. See 37 CFR 1.116(e). | sufficient reasons why the affida | vit or other evidence is | necessary and |
| 9. The affidavit or other evidence filed after the date of filing a entered because the affidavit or other evidence failed to over showing a good and sufficient reasons why it is necessary | vercome <u>all</u> rejections under appe | eal and/or appellant fail | s to provide a |
| 10. The affidavit or other evidence is entered. An explanation | • | | • |
| REQUEST FOR RECONSIDERATION/OTHER | | • | |
| The request for reconsideration has been considered but See attached Detailed/Response Action. | does NOT place the application | in condition for allowan | ce because: |
| 12. ☐ Note the attached Information <i>Disclosure Statement</i>(s). (13. ☐ Other: | PTO/SB/08) Paper No(s) | | |
| /Charles N. Appiah/ | /KWASI KARIKARI/ | | |
| Supervisory Patent Examiner, Art Unit 2617 | Examiner, Art Unit 261 10/08/2009 | 7 | |



Application No.